

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

The specification is amended by the present response to correct a minor informality.

Claims 1-55 are pending in this application. Claim 55 is added by the present response. Claims 8, 11-16, 18-20, 22, 26, 34, 37-46, 48, 50, 52, and 54 were objected to under 37 C.F.R. § 1.75(c). Claims 1-54 were rejected under 35 U.S.C. § 103 as unpatentable over U.S. patent 6,377,810 B1 to Geiger et al. (herein "Geiger") in view of U.S. patent 6,226,618 B1 to Downs et al. (herein "Downs").

Addressing first the objection of claims 8, 11-16, 18-20, 22, 26, 34, 37-46, 48, 50, 52, 54 under 37 C.F.R. § 1.75(c), that objection is traversed by the present response.

First, it is unclear on what basis the outstanding objection is made as the outstanding rejection appears to be specifically reference claims 27 and 30 as improper, but does not clarify why, and further does not clarify why the other noted claims besides claims 27 and 30 may be improper. Further, the language of the multiple dependent claims is believed to be clearly proper as they properly refer to claims in the alternative. Thus, the multiple dependent claims are believed to be clearly proper. Moreover, as the circumstances of not treating the above-noted claims on the merits is believed to be improper, any subsequent action to the outstanding Office Action that would reject any of the not treated claims cannot be presented in a final rejection.

Addressing now the rejection of claims 1-54 under 35 U.S.C. § 103 as unpatentable over Geiger in view of Downs, that rejection is traversed by the present response.

Applicants respectfully submit that the reliance on the primary teachings in Geiger is improper as Geiger does not teach the features relied upon in the outstanding rejection.

The outstanding rejection is initially focused on independent claim 27 and it is noted that the other claims are similar to claim 27.

With respect to claim 27, applicants first note that claim 27 is directed to a “system for certifying at least existence of an *electronic information released on a network* at a time and date, said network connecting one or more computer servers and a plurality of client computers” (emphasis added). Such an environment in which the system of the present invention is utilized clearly differs from the teachings in Geiger.

The applicants of the present invention recognized that a problem exists with respect to determining when information released on a network, such as the Internet, becomes available as a publication, for example as prior art to a patent application. As a result one object of the present invention is to provide a novel system and method to certify the existence of electronic information released on a network, such as the Internet, at a prescribed time and date.¹

With the claimed system, a confirmation procedure is set in place to determine when electronic information is released on a network, so that if at a future time someone wishes to rely upon that electronic information, e.g., as prior art, there will be a certification as to the time and date of release of the electronic information, i.e., its publication. That entire environment of the claimed invention clearly differs from the teachings in Geiger.

With respect to the system recited in claim 27, the outstanding Office Action cites Geiger at column 6, lines 21-42.² However, no portion in Geiger therein is even related to such subject matter.

As clearly set forth in the Abstract of Geiger and with reference to Figure 1 therein, Geiger is directed to a system in which a requesting entity 25 can access information of a location of a mobile device 15. The system of Geiger operates such that the requesting entity 25 must initially receive confirmation of permission to receive location information of the

¹ See for example the present specification at page 3, lines 3-7.

² Office Action of March 3, 2003, the paragraph bridging pages 2-3.

mobile device 15. When the requesting entity 25 receives such confirmation of permission, the requesting entity 25 then provides that confirmation to a location server 21, and thereby the requesting entity 25 can receive information of the location of the mobile device 15 through the location server 21.

Such a system in Geiger has no relevance whatsoever to “certify at least the existence of electronic information released on a network at a time and date”. In Geiger the mobile device 15 does not release any information on a network. Instead, in Geiger the location server 25 merely monitors the location of mobile device 15 and can provide that information to a requesting entity 25 after the confirmation of permission is made. In Geiger no electronic information is released on a network, and clearly in Geiger there is no certification of that release.

Further, applicants respectfully submit that Geiger does not teach the “accessing device” also recited in claim 27.

The outstanding Office Action indicates that Geiger discloses a client mode that can access an ID number/digital signal to correspond to the claimed “accessing device”, and the Office Action notes the mobile device 15 and the disclosure in Geiger at column 1, line 50 to column 2, line 44.³

In that respect applicants request clarification for the outstanding rejection but also note that Geiger does not appear to disclose any element corresponding to the claimed “accessing device”.

First, the mobile device 15 in Geiger itself does not “access electronic information stored in one of the plurality of client computers using information of a location of the electronic information based on a request from one of the client computers” as recited in the “accessing device”. Claim 27 also notes “said accessing device being provided in one of the

³ Office Action of March 3, 2004, page 3, first full paragraph.

computer servers". Clearly the mobile device 15 in Geiger is not provided in one of computer servers.

Further, the noted portion in Geiger at column 1, line 50 to column 2, line 44 does not appear to indicate any client node or accessing an ID number/digital signature except for the indication that the mobile device 15 has a unique encryption key that can be used to generate the digital signals. A generation of a digital signature as noted therein in Geiger is not at all related to the "accessing of electronic information" noted in claim 27.

In such ways, no teachings in Geiger meet the limitations of the claimed "accessing device".

Further, applicants submit that Geiger also does not meet the limitations of the claimed "attribute information generating device configured to generate attribute information from at least the location and an access time and date when the electronic information is accessed" as also recited in claim 27.

With respect to that limitation the outstanding Office Action merely references a "local server, base station" in Geiger as meeting such limitations.⁴ In response, applicants note it is unaware what element they are actually relying upon in Geiger for that feature. Geiger discloses various base stations 11-13 and a location server 21. However, none of those elements generates an attribute information and an access time and data when an electronic information, the electronic information being released on a network, is accessed. Thus, Geiger is believed to clearly neither teach nor suggest the feature of the "attribute information generating device" also recited in claim 27.

Geiger also does not teach or suggest the claimed "electronic certificate generating device configured to generate an electronic certificate by uniquely specifying the electronic information and the attribute information". To meet that limitation the outstanding Office

⁴ Office Action of March 3, 2004, page 3, line 10.

Action references gateway 22 in Geiger and Figure 4.⁵ However, Applicants note that the gateway 22 in Geiger merely provides a communication path with the base stations 11, 12, 13 gateway 22 in Geiger does not at all “generate an electronic certificate by uniquely specifying the electronic information and the attribute information”. In fact, Geiger does not disclose or suggest generating any type of electronic certificate. Geiger does disclose generating a digital signature that a requesting entity 25 can use to show it has permission to obtain the location of the mobile device 15, but that digital signature clearly does not “specify electronic information and attribute information” as required in claim 27.

Further, as a result of not even disclosing generating an electronic certificate, Geiger also clearly cannot teach or suggest “an electronic certificate obtaining device configured to obtain the electronic certificate”, as also required in claim 27.

Moreover, no teachings in Downs are relied upon or cited to disclose any of the above-noted features that Geiger clearly fails to teach or suggest. Thus, no teachings in Downs overcomes the above-noted deficiencies in Geiger.

Further, as similar features are recited in the other independent claims, the other independent claims are similarly allowable for the reasons discussed above with respect to independent claim 27.

In such ways, applicants respectfully submit that clearly each of claims 1-54 patentably defines over the combination of teachings of Geiger in view of Downs.

The present response also sets forth new independent claim 55 for examination. New independent claim 55 is similar to independent claim 1 except that new independent claim 55 recites that the electronic information is stored in “the one or more of the computer servers”, and which electronic information is accessed “based on a request from a service provider”.

⁵ Office Action of March 3, 2004, page 3, line 15.

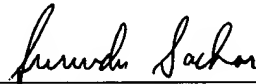
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Reply to Office Action of March 3, 2004.

New independent claim 55 is, however, believed to be allowable for similar reasons as discussed above.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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